



OFFICE OF THE CITY CLERK

REPORT

REPORT TO THE COMMITTEE ON RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS

DATE: March 29, 2000

REPORT NO.: 00-02

SUBJECT: PROPOSED AMENDMENTS TO SAN DIEGO MUNICIPAL
LOBBYING ORDINANCE

ISSUE

On October 4, 1999, the Rules Committee approved certain housekeeping amendments to the Municipal Lobbying Ordinance. At the same meeting, the Committee expressed interest in adding City agencies to the scope of the ordinance. The City Clerk and City Attorney were directed to consider their ability to administer and enforce an ordinance with this broader scope. On January 7, 2000, the Rules Committee directed the City Clerk to prepare other potential amendments to the Lobbying Ordinance. The direction included two proposals: 1) to require lobbyists to provide early notification of activity expenses to the City Official who is the beneficiary of the activity expense; and 2) to require that lobbyists provide notice of their status as a lobbyist to a City Official before providing anything of value to that City Official.

RECOMMENDATION

Adopt the proposed amendments to the Municipal Lobbying Ordinance or provide additional direction to the City Clerk.

DISCUSSION

Following the Rules Committee meeting in October, 1999, the City Clerk's Office and the City Attorney's Office determined that both offices had sufficient staffing to administer and enforce an expanded Lobbying Ordinance which would include City agencies. Several amendments are being proposed in response to direction from the Rules Committee.

Specifically, the proposed amendments are as follows:

a. In section 27.4002 (Definitions), "City Board" has been expanded to include the boards of directors of all City agencies. The definition of "City Official" has been expanded to include the employees of any City agency. The definition has been further

amended to specify that the employees of the City or a City agency, included in the definition, are those who participate in the consideration of any "Municipal Decision" other than in a purely clerical, secretarial or ministerial capacity. This has been added to clarify which employees are considered to be "City Officials."

b. In section 27.4002 (Definitions), "Municipal Decision" has been expanded to ensure that all decisions not otherwise listed, but made by the City Council or a City Board, will be subject to the lobbying ordinance.

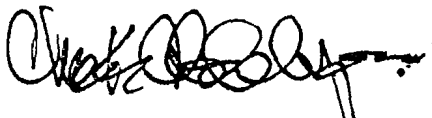
c. Section 27.4014 (Notification of Gift to a City Official) would be an addition to the Municipal Lobbying Ordinance, and would require a lobbyist to provide information to each City Official who is the beneficiary of an activity expense or gift from the lobbyist. Information required would include the date and amount of any activity expense or gift, a description of the activity expense or gift provided to the City Official, and the Client, if any, on whose behalf the expenditure was made. Section 27.4014 would require that the information be provided in writing to the City Official within twenty business days after the date of the expenditure.

d. Section 27.4023 (Other Obligations of a Lobbyist) has been amended to require that an individual disclose his or her status as a lobbyist to a City Official before providing anything of value to the official which would require disclosure under Section 27.4014 as an activity expense or gift benefitting the City Official.

SUMMARY

In summary, the City Clerk proposes these amendments to the Municipal Lobbying Ordinance in response to direction from the Rules Committee about additions the Committee would like to consider. I look forward to your consideration of these amendments. Should you have any questions or comments, please contact Deputy Director Joyce Lane at 533-4024.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles G. Abdelnour', with a stylized flourish at the end.

Charles G. Abdelnour
City Clerk

Attachment

cc: City Attorney
City Manager

Proposed Amendments to Municipal Lobbying Ordinance — March 2000

SEC. 27.4002 Definitions

"City" means the City of San Diego or any organizational subdivision, office, or board of the City.

"City Board" includes the boards of directors of all City agencies, and any board, commission, committee, or task force of the City established by action of the City Council under authority of the City Charter, Municipal Code or Council resolution. ~~It does not include boards of directors or employees of City agencies that are non-profit corporations of which the City is the only member. It also does not include Housing Commissioners or Housing Commission employees.~~

"City Official" includes:

(a) any elected or appointed City officeholder, including any City officeholder elected but not yet sworn in, ~~City employee, or City Board member, or employee of the City or any City agency, who, as part of his or her official duties, participates in the consideration of any Municipal Decision other than in a purely clerical, secretarial or ministerial capacity.~~

(b) City Council members acting in their capacity as Housing Authority and Redevelopment Agency officers; and

(c) any consultants of this City who are required to file a statement of economic interest pursuant to any conflict of interest code adopted by the City Council.

"Municipal Decision" includes:

(a) the drafting, introduction, consideration, reconsideration, adoption, defeat, or repeal of any ordinance or resolution;

(b) the amendment of any ordinance or resolution;

(c) a report by a City Official to the City Council or a City Council Committee;

(d) contracts; and

(e) quasi-judicial decisions, including:

(1) any decision on a land development permit, map or other matter decided pursuant to Process 2 through 5 as described in Chapter 11 of this Municipal

Code; or

(2) any grant of, denial of, modification to, or revocation of a permit or license under Chapter 1 through 10 of this Municipal Code; and

(f) any other decision of the City Council or a City Board.

"Municipal Decision" does not include any of the following:

(a) any request for advice regarding, or for an interpretation of laws, regulations, City approvals or policies;

(b) a direct response to an enforcement proceeding with the City;

(c) any communication among attorneys representing a party or potential party to pending or actual litigation brought by or against the City, or City agent, officer or employee;

(d) any ministerial action such as decisions on private land development made pursuant to Process 1 as described in Chapter 11 of this Municipal Code; .

(e) any action relating to the establishment, amendment, administration, implementation or interpretation of a collective bargaining agreement or memorandum of understanding between the City and a recognized employee organization, or a proceeding before the Civil Service Commission; or

(f) any management decisions as to the working conditions or represented employees that clearly relate to the terms of collective bargaining agreements or memoranda of understanding pursuant to (e) above.

SECTION 27.4014 - Notification of Activity Expense Paid to or Benefitting a City Official

(a) Any Lobbyist required to file a disclosure report under the provisions of this division shall provide the following information to each City Official who is the beneficiary of an activity expense from the lobbyist.

(1) the date and amount of the activity expense;

(2) a description of the activity expense provided to the City Official; and

(3) the client, if any, on whose behalf the expenditure was made.

(b) The information required to be disclosed pursuant to subdivision (a) shall be provided in writing to the City Official who is the beneficiary within twenty business days after the date of the expenditure.

SECTION 27.4023 - Other Obligations of a Lobbyist

Any individual who is required to register as a Lobbyist under the provisions of this division shall:

(a) disclose his or her status as a lobbyist to a City Official before providing anything of value to that individual which would require disclosure as an activity expense to the City Official pursuant to Section 27.4014.

~~(a)~~ (b) abstain from doing any act with the purpose or intent of placing a City Official under personal obligation to the Lobbyist, or to the Lobbyist's employer or Client;

~~(b)~~ (c) correct, in writing, any misinformation given to a City Official, specifying the nature of the misinformation;

~~(c)~~ (d) not deceive or attempt to deceive a City Official as to any material fact pertinent to any pending or proposed Municipal Decision;

~~(d)~~ (e) not cause any communication to be sent to a City Official in the name of any fictitious Person or in the name of any real Person, except with the consent of such real Person; and

~~(e)~~ (f) not attempt to evade the obligations in this section through indirect efforts or through the use of Agents, associates or employees.